

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

FMREPS CONSULTING
ENTERPRISES, LLC

Plaintiff,

v.

FORD MOTOR COMPANY

Defendant.

Case No. _____

Hon. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff FMReps Consulting Enterprises, LLC (“FMRC”) brings this Complaint against Defendant Ford Motor Company (“Ford”). FMRC alleges as follows.

PARTIES

1. Plaintiff FMRC is a Florida limited liability company. FMRC is a technology and marketing company that offers, among other things, digital certified pre-owned authentication programs.

2. Ford is a Delaware corporation with a principal place of business at 1 American Rd, Dearborn, MI 48126. Ford makes, uses, and/or sells a preowned digital vehicle certificate program that infringes FMRC’s patents as set forth in this Complaint.

JURISDICTION AND VENUE

3. This Court has original subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has specific personal jurisdiction over Ford consistent with the principles underlying the U.S. Constitution and at least MCL § 600.711(b). Ford is carrying on continuous and systematic part of its general business within the state of Michigan.

5. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 at least because Ford has a regular and established place of business in this District and has committed acts of infringement in this district.

FMRC'S PATENTS-IN-SUIT

6. United States Patent No. 11,461,789 (“the ‘789 Patent”) issued on October 4, 2022 and is titled SYSTEM AND PROCESS FOR DIGITAL CERTIFICATION OF PRE-OWNED VEHICLES AND EQUIPMENT. A true and correct copy of the ‘789 Patent is attached to this Complaint as Exhibit A.

7. United States Patent No. 12,118,571 (“the ‘571 Patent”) issued on October 15, 2024 and is titled SYSTEM AND PROCESS FOR DIGITAL CERTIFICATION OF PRE-OWNED VEHICLES AND EQUIPMENT. A true and correct copy of the ‘571 Patent is attached to this Complaint as Exhibit B.

8. FMRC is the lawful owner of all rights, title, and interest in and to the ‘789 Patent and the ‘571 Patent (together, the “patents-in-suit”), possesses all rights of recovery under the patents-in-suit, and has standing to sue for infringement of the patents-in-suit.

9. The patents-in-suit are valid and enforceable.

FORD CPO PROGRAM

10. Ford has offered a program for certifying pre-owned (“CPO”) vehicles. In general, the program includes inspecting the vehicle’s condition and history. If the results of the inspection meet certain predefined conditions, Ford may offer a warranty for the vehicle. Until FMRC became involved this process was mostly done on paper.

11. Before FMRC had any contact with Ford about its CPO program, FMRC had developed and filed a patent application for a digital CPO solution. The existing CPO solutions at the time were mostly done on paper and were cumbersome and inefficient. FMRC’s invention introduced a streamlined digital process that eliminated the need for hard-copy records and allowed easy access to CPO information to anyone who needed it.

12. In 2017, FMRC began preparing to supply Ford with a CPO solution based on FMRC’s invention (“Ford eCPO”).

13. FMRC launched the Ford eCPO in 2018 and it was very well-received by Ford. The Ford eCPO made Ford's CPO program as a whole more efficient and cost-effective. FMRC administered the Ford eCPO for several years, including maintaining the software, training new users, and providing technical support.

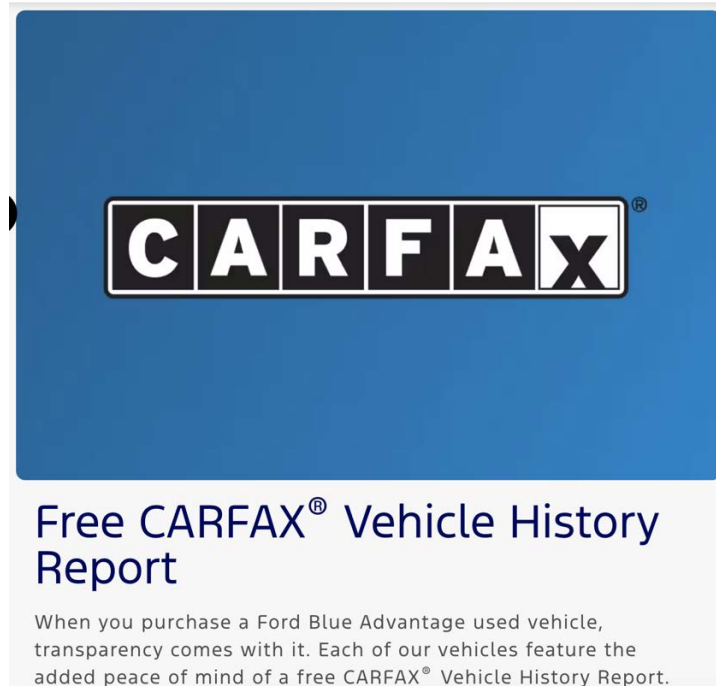
14. In February 2021, Ford introduced the name "Ford Blue Advantage™" for its Ford CPO Program.

15. In mid-2021, Ford terminated its use of the Ford eCPO and substituted a new supplier for its digital CPO needs. On information and belief, Ford made this change to save costs.

16. In all material respects, the new supplier's product continues to have the same features as FMRC's Ford eCPO, for example, as follows:

Every Vehicle Is Inspected and Certified

Not every used vehicle measures up to the strict Ford Blue Advantage™ standards. Each vehicle has to pass a detailed 172-, 127- or 139-point inspection and meet exacting requirements before becoming Gold, EV or Blue Certified and receiving corresponding coverage. It's another Ford Blue Advantage benefit you'll find nowhere else.



[<https://www.ford.com/used/>]

17. FMRC did not authorize Ford to use FMRC's Ford eCPO or FMRC's invention after Ford decided to substitute FMRC for a new supplier.

18. The Ford digital CPO that this new supplier provided to Ford infringes FMRC's patents.

19. In June 2021, FMRC notified both Ford and its new supplier about the patent application that later became the '789 Patent. The '571 Patent later issued as a continuation of the '789 Patent.

20. FMRC also notifies the public of its patent rights on the homepage of its website, <https://www.fmreps.com/>:

PATENTS

Our Patents

FMR's Products and Services may be covered by one or more of the following patents owned by FMReps Consulting Enterprises, LLC and/or its affiliates or licensors: US Patent Nos. 11,461,789 B2 and 12,118,571 B2 and other pending applications.

COUNT I DIRECT INFRINGEMENT OF THE '789 PATENT

21. FMRC incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

22. Claim 8 of the '789 Patent recites:

8. An automated method for certifying pre-owned vehicles, said method comprising:

providing a technician graphical user interface (GUI) on a first portable computing device;

generating a login page on a display of the first portable computing device;

receiving a stakeholder's credentials for login; receiving a vehicle identification number (VIN) via the technician GUI on the first portable computing device;

decoding the VIN;

checking the VIN against a database of vehicles for eligibility of the vehicle to participate in a certified pre-owned program;

wherein if the VIN is not eligible to participate in the certified pre-owned program, providing a notification of ineligibility on the first portable computing device;

wherein if the VIN is eligible to participate in the certified pre-owned program:

automatically sending the VIN to one or more vehicle history reporting agencies;

receiving a vehicle history report (VHR) from the one or more vehicle history reporting agencies related to the VIN;

analyzing the VHR for eligibility of the vehicle to participate in a certified pre-owned program;

wherein if the VHR renders the vehicle not eligible to participate in the certified pre-owned program, providing a notification of ineligibility on the first portable computing device;

wherein if the VHR renders the vehicle eligible to participate in the certified pre-owned program:

generating on screen inspection forms and certification checklists that are automatically populated with only items specific to the VIN and certification program requirements;

providing a generated inspection form notification on the first portable computing device inclusive of inspection and reconditioning required on the vehicle;

receiving, in response to the screen prompts, user generated responses input to the inspection forms via the technician GUI on the first portable computing device;

providing an alert to a second portable computing device for certification authorization;

providing access to the VHR, user generated responses to the inspection forms, and certification checklists via a manager GUI provided on the second portable computing device;

receiving certification approval via the manager GUI provided on the second portable computing device;

sending the VIN to a database of certified pre-owned vehicles and listing the vehicle in an inventory of certified pre-owned vehicles;

generating a digital certification based on the generated responses that conform to preprogrammed guidelines or standards of the certified pre-owned program;

generating an administrator GUI on a third portable computing device, said administrator GUI providing real time information as to at least one of: total number of vehicles that have been certified in a current calendar year, a total number of current certified vehicles or a total amount of open inspections, the information in the form of a bar graph, pie chart, or a combination thereof;

providing a plurality of tabs on the administrator GUI in a first region of the GUI, that upon selection allows the user to view data in real time in a second region of the GUI, as to open inspections and completed inspections that have been inputted by at least two of the technician GUI, the sales consultant GUI, and the manager GUI, the data for each of the technician GUI, the sales consultant GUI, and the manager GUI, in the form of a bar graph, pie chart, or a combination thereof; and

wherein the VHR, eligibility status, inspection forms, certification checklists, user generated responses, and digital certification, associated with a particular VIN are accessible, once created, simultaneously on both the first, second, and third portable computing devices.

23. Ford has been and is now infringing, literally and/or under the doctrine of equivalents, the ‘789 Patent in this District and elsewhere by making, using, importing into the United States, offering for sale, and/or selling its Ford digital CPO Program, which meets each feature of at least claim 8 of the ‘789 Patent, without license or authorization. These acts constitute infringement under at least 35 U.S.C. § 271(a).

24. FMRC has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to compensate it for Ford’s infringement.

25. As a direct and proximate consequence of the infringement, FMRC has been and is being harmed, and, unless Ford’s infringing acts and practices are enjoined by the Court, will continue to be injured in its property rights.

26. On information and belief, Ford’s infringement will continue unabated unless and until enjoined by this Court.

27. FMRC is entitled to injunctive relief from this Court under 35 U.S.C. § 283.

COUNT II
INDIRECT INFRINGEMENT OF THE ‘789 PATENT

28. FMRC incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

29. With knowledge of the ‘789 Patent, Ford has induced and continues to induce infringement of at least claim 8 of the ‘789 Patent, in this District and elsewhere, and in violation of at least 35 U.S.C. § 271(b), by importing into the United States, offering for sale, and/or selling its Ford digital CPO Program for use by at least its dealers, and encourages and instructs its dealers to use the Ford digital CPO Program. In light of Ford’s inducement, Ford’s dealers directly infringe at least claim 8 of the ‘789 Patent, literally or under the doctrine of equivalents, by using the Ford eCPO Program as encouraged and instructed by Ford.

30. Ford specifically intended its dealers to infringe the ‘789 Patent, or at the least, was willfully blind to the existence of the ‘789 Patent and/or the fact that its dealers’ use of the Ford digital CPO Program would directly infringe the ‘789 Patent.

31. FMRC has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to compensate it for Ford’s infringement.

32. As a direct and proximate consequence of the infringement, FMRC has been and is being harmed, and, unless Ford's infringing acts and practices are enjoined by the Court, will continue to be injured in its property rights.

33. On information and belief, Ford's infringement will continue unabated unless and until enjoined by this Court.

34. FMRC is entitled to injunctive relief from this Court under 35 U.S.C. § 283.

**COUNT III
DIRECT INFRINGEMENT OF THE '571 PATENT**

35. FMRC incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

36. Claim 9 of the '571 Patent recites:

9. An automated method for certifying pre-owned vehicles, said method comprising:

providing a technician graphical user interface (GUI) on a portable computing device;

generating a login page on a display of the portable computing device;

receiving a stakeholder's credentials for login;

receiving a vehicle identification number (VIN) via the technician GUI on the portable computing device;

decoding the VIN;

checking the VIN against a database of vehicles for eligibility of the vehicle to participate in a certified pre-owned program;

wherein if the VIN is eligible to participate in the certified pre-owned program:

sending the VIN to one or more vehicle history reporting agencies;

receiving a vehicle history report (VHR) from the one or more vehicle history reporting agencies related to the VIN;

analyzing the VHR for eligibility of the vehicle to participate in a certified pre-owned program;

wherein if the VHR renders the vehicle eligible to participate in the certified pre-owned program:

generating on screen inspection forms and certification checklists that are automatically populated with only items specific to the VIN and certification program requirements;

providing a generated inspection form notification on the first portable computing device inclusive of inspection and reconditioning required on the vehicle;

receiving, in response to screen prompts, user generated responses input to the inspection forms via the technician GUI on the first portable computing device;

providing access to the VHR, user generated responses to the inspection forms, and certification checklists via a manager GUI;

receiving certification approval via the manager GUI;

sending the VIN to a database of certified pre-owned vehicles and listing the vehicle in an inventory of certified pre-owned vehicles;

generating a digital certification based on the generated responses that conform to preprogrammed guidelines or standards of the certified pre-owned program;

generating an administrator GUI, the administrator GUI providing real time information as to at least one of: total number of vehicles that have been certified in a current calendar year, a total number of current certified vehicles or a total amount of open inspections;

providing a plurality of tabs on the administrator GUI in a first region of the administrator GUI that upon selection allows the user to view data in real time in a second region of the administrator GUI as to open inspections and completed inspections that have been inputted in at least one of the technician GUI and the manager GUI, the data for each of the technician GUI and the manager GUI, in one of at least two visual forms.

37. Ford has been and is now infringing, literally and/or under the doctrine of equivalents, the '571 Patent in this District and elsewhere by making, using, importing into the United States, offering for sale, and/or selling its Ford digital CPO Program, which meets each feature of at least claim 9 of the '571 Patent, without license or authorization. These acts constitute infringement under at least 35 U.S.C. § 271(a).

38. FMRC has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to compensate it for Ford's infringement.

39. As a direct and proximate consequence of the infringement, FMRC has been and is being harmed, and, unless Ford's infringing acts and practices are enjoined by the Court, will continue to be injured in its property rights.

40. On information and belief, Ford's infringement will continue unabated unless and until enjoined by this Court.

41. FMRC is entitled to injunctive relief from this Court under 35 U.S.C. § 283.

**COUNT IV
INDIRECT INFRINGEMENT OF THE '789 PATENT**

42. FMRC incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

43. With knowledge of the '571 Patent, Ford has induced and continues to induce infringement of at least claim 9 of the '571 Patent, in this District and elsewhere, and in violation of at least 35 U.S.C. § 271(b), by importing into the United States, offering for sale, and/or selling its Ford eCPO Program for use by at least its dealers, and encourages and instructs its dealers to use the Ford digital CPO Program. In light of Ford's inducement, Ford's dealers directly infringe at least claim 9 of the '571 Patent, literally or under the doctrine of equivalents, by using the Ford digital CPO Program as encouraged and instructed by Ford.

44. Ford specifically intended its dealers to infringe the ‘571 Patent, or at the very least, was willfully blind to the existence of the ‘571 Patent and/or the fact that its dealers’ use of the Ford digital CPO Program would directly infringe the ‘571 Patent.

45. FMRC has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to compensate it for Ford’s infringement.

46. As a direct and proximate consequence of the infringement, FMRC has been and is being harmed, and, unless Ford’s infringing acts and practices are enjoined by the Court, will continue to be injured in its property rights.

47. On information and belief, Ford’s infringement will continue unabated unless and until enjoined by this Court.

48. FMRC is entitled to injunctive relief from this Court under 35 U.S.C. § 283.

PRAYER FOR RELIEF

FMRC asks this Court to enter judgment against Ford and its officers, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

A. An adjudication that Ford has infringed one or more claims of the ‘789 and ‘571 Patents;

B. The ascertainment of and award to FMRC of damages from the infringement of one or more claims of the '789 and '571 Patents, together with prejudgment and post-judgment interest and any other costs and expenses permitted by law, under 35 U.S.C. § 284;

C. A finding that this case is exceptional and the award of reasonable attorneys' fees, costs, and expenses in this action to FMRC under 35 U.S.C. § 285;

D. Permanently enjoining Ford from any further acts of infringement of FMRC's patent rights under 35 U.S.C. § 283; and

E. Awarding to FMRC such other and further relief as this Court may deem just and proper.

JURY DEMAND

FMRC hereby demands a trial by jury on all issues so triable.

Dated: March 7, 2025

Respectfully submitted,

EVIA LAW PLC

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